

REMARKS

Reconsideration of the above-identified application is respectfully requested.

In the Office Action, the Examiner kindly noted that the drawings had been approved by the official draftsman. Applicant kindly thanks the Examiner for relaying this notice.

Attached is a substitute specification that makes several amendments to the specification. Several minor typographical corrections have been made. Additionally, "Table A" in the specification has been changed to "Table 1" in response to the objection to the specification raised by the Examiner. No new matter has been added as a result of these amendments. A cleaned up and marked up version of the specification are enclosed.

The present application is a continuation of U.S. Application No. 10/024,685. Applicants herewith enclose a revised Plant Patent Declaration and Power of Attorney as requested by the Examiner. Entry of this Plant Patent Declaration and Power of Attorney is respectfully requested.

35 U.S.C. Section 102(b)/Requirement for Information Under 37 C.F.R. Section 1.105

The Examiner has requested that the Applicant and the assignee of the above-identified application provide certain information under 37 CFR Section 1.105.

The inventor, Andre Smaal, has represented to the licensee of the above-identified application, who has represented to the undersigned attorney, that plants of the Kalanchoe variety named 'Pippijn' were first sold in Europe

sometime after December 18, 2000. Plants of 'Pippijn' were first offered for sale in France and Germany in February 2001 and in the Netherlands on June 10, 2001.

Applicant would also like to advise the Examiner that the inventor, Andre Smaal, has represented to the licensee of the above-identified application, who has represented to the undersigned attorney, that plants of the Kalanchoe variety named 'Pippijn' were shown publicly at an internal trial conducted in January 2001 in Middleburg, Holland. The purpose of the trial was to compare 'Pippijn' with existing varieties. Customers and colleagues are believed to have attended the trials, but only to provide their opinion about 'Pippijn' and other new varieties being shown at the time. 'Pippijn' was identified by a number, not its variety name, no cuttings were sold or given away, no prices given, no orders taken, no plants were sold or given away and no written information was provided. After the trials, all plants were sent out for more extensive grower trials in France and Holland.

Applicant would also like to advise the Examiner that a Plant Breeder's Rights application for the Kalanchoe variety named 'Pippijn' was filed in the Netherlands on March 16, 1999 and the application number is KLN276 (see the enclosed Information Disclosure Statement) and the proposed denomination was published on August 16, 1999. A Plant Breeder's Rights application for this variety was also filed in Europe on April 7, 2000 and it received application number 2000/0415. A Plant Breeder's Rights application for this variety was also filed in Canada on January 16, 2001 and it received application number 01-2522. This application was granted on December 3, 2003 and received Canadian PBR number 1669. The Examiner is requested to contact the undersigned attorney if she has any questions whatsoever regarding this variety or has any additional questions.

Objection to the Disclosure

The disclosure is objected to under 37 C.F.R. Section 1.163(a) and under 35 U.S.C. Section 112, first paragraph, as providing less than a full, clear and complete botanical description of the plant and the characteristics that define the plant *per se* and which distinguish the plant from related known cultivars and antecedents. More specifically, the Examiner raised the following issues:

- A. The Examiner stated that on page 2, line 2, that Applicant should disclose the application number for the cultivar 'Calbuco'. Applicant is not aware of the application number for the cultivar 'Calbuco'. Applicant has deleted the recitation "(UAPPAF)" and replaced it with "(patent status unknown)".
- B. The Examiner stated that Applicant should disclose the internode length. Applicant has amended the specification to include this information.
- C. The Examiner stated that Applicant should disclose the petiole diameter. Applicant has amended the specification to include this information.

In response to the above-identified objections raised by the Examiner, Applicant herewith encloses a substitute specification. In this substitute specification, amendments have been made to address each of the above objections. Applicant submits that the amendments to the substitute specification do not involve any new matter.

In view of these amendments to the disclosure, Applicant submits that the objection under 37 C.F.R. Section 1.163(a) and 35 U.S.C. Section 112, first paragraph, should be withdrawn.

Claim Rejection

Claim 1 is rejected under 35 U.S.C. Section 112, first and second paragraphs, as not being supported by a clear and complete botanical

description of the plant for the reasons set forth in the Objection to the Disclosure Section.

Applicant herewith incorporates by reference the arguments made above. Therefore, in view of the above described amendments to the disclosure, Applicant submits that this rejection should now be withdrawn.

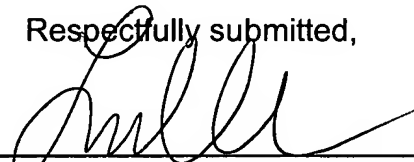
Conclusion

In view of the aforementioned amendments and arguments, Applicant submits that the claim is now in condition for allowance.

If any additional fees are incurred as a result of the filing of this paper, authorization is given to charge deposit account number 23-0785.

Respectfully submitted,

By:



Lisa V. Mueller (Reg. No. 38,978)
Attorney for Applicant

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 MADISON STREET
SUITE 3800
CHICAGO, IL 60661
(312)-876-1800

MARKED UP VERSION



KALANCHOE PLANT NAMED 'PIPIJN'

LATIN NAME OF GENUS AND SPECIES OF PLANT CLAIMED

Kalanchoe blossfeldiana

VARIETY DENOMINATION

'Pippijn'

RELATED APPLICATION INFORMATION

This application is a continuation of U.S. Serial Number 10/024,685 filed on December 14, 2001, which is now abandoned.

BACKGROUND OF THE INVENTION

The present invention comprises a new and distinct Kalanchoe plant, botanically known as *Kalanchoe blossfeldiana*, and hereinafter referred to by the cultivar name 'Pippijn'.

The new cultivar was developed by the inventor through a controlled breeding program during August 1995 in The Netherlands. The female (seed) parent of 'Pippijn' was the proprietary *Kalanchoe blossfeldiana* selection designated '93114-057' (not patented) characterized by its red flowers. The male (pollen) parent of 'Pippijn' was the proprietary Kalanchoe selection designated '94077' (not patented), characterized by its purple flowers and dark green foliage. 'Pippijn' was discovered and selected as a flowering plant within the progeny of the stated cross by the inventor in June 1996.

Asexual reproduction of the new cultivar at Arroyo Grande, California and West Chicago, Illinois has been through the use of terminal vegetative cuttings and by ~~terminal cuttings~~ has demonstrated that the characteristics of the new cultivar as herein described are firmly fixed and retained through successive generations of such asexual propagation.

SUMMARY OF THE INVENTION

It was found that the cultivar of the present invention:

- (a) exhibits bright red flowers,
- (b) forms dark green foliage,
- (c) exhibits a good basal branching character, and
- (d) exhibits a compact upright growth habit.

The new cultivar of the present invention can be compared to 'Calbuco' (USPPAF patent status unknown). In side by side comparisons with 'Calbuco', it is found that the new cultivar is less compact, more floriferous and exhibits smaller flowers of a darker red color. A detailed comparison can be found in Table A 1.

BRIEF DESCRIPTION OF PHOTOGRAPH

The accompanying photograph shows as nearly true as it is reasonably possible to make the same in color illustrations of this type, typical flower and foliage characteristics of the new cultivar. The plants were grown in a greenhouse at West Chicago, Illinois, U.S.A.

DETAILED BOTANICAL DESCRIPTION

The cultivar Pippijn has not been observed under all possible environmental conditions to date. Accordingly, it is possible that the phenotype may vary somewhat with variations in the environment, such as temperature, light intensity, and day length.

The chart used in the identification of colors described herein is the R.H.S. Colour Chart of The Royal Horticultural Society, London, England. The color values were determined on January 4, 2001 between 9:00 and 9:30 am under natural daylight. The plants used for the following observations and measurements were produced from cuttings taken from stock plants and grown in West Chicago, Illinois in 10 cm pots for sixteen (16) weeks. Plants were grown in a double poly carbonate covered greenhouse under conditions comparable to those used in commercial practice while utilizing a

soilless growth medium and maintaining temperatures of approximately 82°F during the day and approximately 66°F during the night. Plants were exposed to three weeks of long days followed by 9 weeks of short days. Growth regulators were applied as follows: B nine, 3000 ppm at days 17 and 28 and 1500 ppm day 42.

Classification:

Botanical — *Kalanchoe blossfeldiana*, cultivar 'Pippijn'.

Parantage:

Male (pollen) parent – Proprietary *Kalanchoe blossfeldiana* selection #'94077'.

Female (seed) parent – Proprietary *Kalanchoe blossfeldiana* selection #'93114-057'.

Propagation:

Type cutting – Terminal tip

Time to Initiate Roots – Approximately 7-14 days with the shorter times generally being experienced in the summer and the longer times in the winter. *Time to develop roots* – Approximately 21 days

Root Description – Fibrous, branching

Plant Description:

Habit of Growth – Moderately vigorous with good basal branching. A mature plant, at 16 weeks after the planting of an unrooted cutting, commonly measures approximately 13.1 cm in height and approximately 11.9 cm in width.

Branching habit – Typically forms one main stem 11 cm in length and 5 mm in diameter and 11 lateral branches approximately 6 cm in length and 3 mm in diameter. Internode length: approximately 1.2 cm.

Plant Form – Upright and mounded.

Foliage – Form: Simple. Arrangement: Opposite. Shape: Ovate with obtuse apex, cuneate base and crenate margin. Texture: Glabrous, succulent. Size of mature foliage: Approximately 6.7 cm in length and approximately 4.9 cm in width. Color of mature foliage: Upper surface closest to 137A and 139A; lower surface closest to 137B. Petiole length: Approximately 1.3 cm.

Petiole diameter: Approximately 3.2 mm. Petiole color: Closest to 137k

Flower Description:

Flowering Habit – Freely flowering

Natural Flowering Season – Early January. Flowering time is dependent on temperature, light intensity and other growing conditions.

Flowering response time – Approximately 11 weeks

Inflorescence type – Dichasial cymes

Flowers Borne – Above foliage

Flower longevity – Approximately 7 days

Fragrance - None

Quantity of Flowers – Approximately 24 flowers on main stem and 15 flowers on each lateral branch

Flower buds – Shape: Elliptical, becoming elongated as it matures. Size just before opening: Length is approximately 1.1 cm, width is approximately 5 mm. Color is 43D.

Flower– Salverform. Corolla: Diameter is approximately 1 cm, depth is approximately 3 mm and aspect is cupped. Corolla tube length is approximately 9.5 mm and diameter is approximately 3 mm.

Petals – Number: Four. Shape: Ovate with cuspidate apex, rounded base. Approximate size: 7 mm in length, 6 mm in width. Aspect: Slightly convex. Texture: Glabrous. Appearance: Somewhat iridescent.

Mature Flower Color– Upper surface of petals is closest to 53B fading to slightly more blue than 53B at senescence; lower surface of petals is closest to 43D.

Sepals – Number: Four. Shape: Lanceolate with acute apex, entire margin. Size: 6 mm in length, 2 mm in width. Texture: Glabrous. Color: Upper and lower surface: 144B.

Peduncle – Length: Approximately .9 cm in length and 2 mm in diameter

Pedicel length – Approximately 5 mm.

Reproductive Organs – Androecium: 8 stamens arranged in two groups of four – one group being shorter than the other. Anther shape is oblong and flat; length is <1 mm. Pollen color is 6C. Gynoecium: Stigma shape is flat, appearance is crystalline, colorless and transparent, size is <1 mm in length

Style length is approximately 2 mm; color is 151D. Ovary is: 4 celled, 6.5 mm in length. Color is 144B.

Seed development: Seed development has not been observed.

Disease resistance: Resistance to known Kalanchoe pathogens has not been observed.

TABLE A-1

CHARACTERISTIC	'PIPIIJN'	'CALBUCO'
PLANT HEIGHT	13.1 cm	9.5cm
NUMBER OF BRANCHES	11	13
FLOWER DIAMETER	1 cm	1.8 cm
PETAL COLOR-FULLY OPENED — UPPER SURFACE	53B	Between 54A and 51A
APPROXIMATE NUMBER OF FLOWERS PER PLANT	186	50
COROLLA DIAMETER	.9 cm	1.8 cm

I CLAIM

1. A new and distinct cultivar of Kalanchoe plant named 'Pippijn' substantially as herein shown and described, which:
 - (a) exhibits dark red flowers,
 - (b) forms dark green foliage,
 - (c) exhibits a good basal branching character, and
 - (d) exhibits a compact upright growth habit.

KALANCHOE PLANT NAMED 'PIPIIJN'

ABSTRACT

A new and distinct cultivar of Kalanchoe plant named Pippijn is provided. This new cultivar is characterized by its bright red flowers, dark green foliage, compact growth habit and excellent basal branching.